

EXHIBIT A

General Civil and Domestic Relations Case Filing Information Form

Date: 8/29/2024 6:21 PM
Che Alexander, Clerk☒ Superior or ☐ State Court of Fulton County

For Clerk Use Only

Date Filed 8/29/2024
MM-DD-YYYYCase Number 24CV011058

Plaintiff(s)

Simms Donna

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

Truist Bank

Last First Middle I. Suffix Prefix
Equifax Information Services LLC.

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney LaTonya Sims State Bar Number 711135 Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☒ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DONNA SIMMS,

Plaintiff,

v.

TRUIST BANK & EQUIFAX
INFORMATION SERVICES, LLC.

Defendants.

CIVIL ACTION NO. 24CV011058

COMPLAINT

Plaintiff, Donna Simms (hereinafter “Plaintiff”), by and through the undersigned counsel, the Law Offices of Robert S. Gitmeid & Associates, PLLC, by way of Complaint against Defendants, Truist Bank (“Truist”) and Equifax Information Services, LLC (“Equifax”) alleges as follows:

INTRODUCTION

1.

This is an action for damages brought by an individual consumer for Defendants’ violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq.

(the “FCRA”) and other claims related to unlawful credit reporting practices. The FCRA prohibits furnishers of credit information from falsely and inaccurately reporting consumers’ credit information to credit reporting agencies.

PARTIES

2.

Plaintiff, Donna Simms, is an adult citizen of Maryland.

3.

Plaintiff is a "consumer" as defined by 15 U.S.C. § 1681a(c) of the FCRA.

4.

Defendant Truist is a financial services company, organized and existing under the laws of North Carolina, that furnishes consumer credit information to consumer reporting agencies.

5.

Defendant Equifax is a limited liability company, headquartered in Atlanta, Georgia, that engages in the business of maintaining and reporting consumer credit information.

JURISDICTION AND VENUE

6.

The Court holds jurisdiction over defendant Truist under O.C.G.A. § 9-10-91 because (1) Truist transacted business with Equifax in relation to the acts and omissions at issue; (2) Truist's acts and omissions at issue were committed in Georgia by way of Truist's interactions with Equifax; and (3) Plaintiff's injury in this case occurred in Georgia by way Equifax's inaccurate credit reporting.

7.

The Court holds jurisdiction over defendant Equifax under O.C.G.A. § 9-10-91 because (1) Equifax transacted business with Truist in relation to the acts and omissions at issue; (2) Equifax's acts and omissions at issue were committed in Georgia by way of Equifax's interactions with Truist; and (3) Plaintiff's injury in this case occurred in Georgia by way Equifax's inaccurate credit reporting.

8.

Venue is proper in Fulton County because defendant resides in Fulton County and because the acts and omissions at issue occurred here.

FACTUAL ALLEGATIONS

9.

Defendant Truist issued account ending in 7569 to Plaintiff. The account was routinely reported on Plaintiff's consumer credit report.

10.

The consumer report at issue is a written communication of information concerning Plaintiff's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or for the purpose of serving as a factor in establishing the consumer's eligibility for credit to be used primarily for personal, family, or household purposes as defined by 15 U.S.C. § 1681a(d)(1) of the FCRA.

11.

On or about July 17, 2023, Plaintiff and Truist entered into a settlement agreement for the above referenced account. A recording of the settlement agreement is available upon request.

12.

Pursuant to the terms of the settlement, Plaintiff was required to make a lump sum payment by August 11, 2023 totaling \$2,309.64 to settle and close her Truist account.

13.

Plaintiff, via her debt-settlement representative, timely made the requisite settlement payment. Proof of this payment is attached hereto as **Exhibit A.**

14.

However, many months later, Plaintiff's Truist account continued to be negatively reported.

15.

In particular, on a requested credit report dated January 31, 2024, Plaintiff's Truist account was reported with a status of "CHARGE OFF," a balance of \$4,619.00 and a past due balance of \$4,619.00. The relevant portion of Plaintiff's credit report is attached hereto as **Exhibit B.**

16.

This trade line was inaccurately reported. As evidenced by the enclosed documents, the account was settled for less than full balance and must be reported as settled with a balance of \$0.00.

17.

On or about May 6, 2024, Plaintiff, through counsel, notified Equifax directly of a dispute with completeness and accuracy of the reporting of Plaintiff's Truist account. A redacted copy of this letter is attached hereto as **Exhibit C**.

18.

Therefore, Plaintiff disputed the accuracy of the derogatory information reported by Truist to Equifax via certified mail in accordance with 15 U.S.C. § 1681i of the FCRA.

19.

In June of 2024, Plaintiff requested an updated credit report for review. The tradeline for Plaintiff's Truist account remained inaccurate, as Defendants failed to correct the inaccuracy. The relevant portion of the June 2024 credit report is attached hereto as **Exhibit D**.

20.

Equifax did not notify Truist of the dispute by Plaintiff in accordance with the FCRA; or alternatively Equifax did notify Truist, and the Defendants failed to properly investigate and delete the tradeline or properly update the tradeline on Plaintiff's credit reports.

21.

If the Defendants had performed a reasonable investigation of Plaintiff's disputes, Plaintiff's Truist account would have been updated to reflect a "settled" status with a balance of \$0.00.

22.

Although Truist has promised through its subscriber agreements or contracts to accurately update accounts, Truist has nonetheless willfully, recklessly, or negligently failed to follow this requirement, as well as the requirements set forth under the FCRA. This has resulted in the intended consequences of this information remaining on Plaintiff's credit reports.

23.

Defendants failed to properly maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit information

and Plaintiff's credit report, concerning the account in question, thus violating the FCRA. These violations occurred before, during, and after the dispute process began with Equifax.

24.

At all times pertinent hereto, Defendants were acting by and through their agents, servants and employees, who were acting within the scope and course of their employment, and under the direct supervision and control of the Defendants herein.

25.

At all times pertinent hereto, the conduct of Defendants, as well as that of their agents, servants and employees, was intentional, willful, reckless, or negligent and in wanton disregard for federal law and the rights of the Plaintiff herein.

CLAIM FOR RELIEF

26.

Plaintiff reasserts and incorporates herein by reference all facts and allegations set forth above.

27.

Equifax is a “consumer reporting agency,” as codified at 15 U.S.C. § 1681a(f).

28.

Truist is an entity who, regularly and in the course of business, furnishes information to one or more consumer reporting agencies about its transactions or experiences with any consumer and therefore constitutes a “furnisher,” as codified at 15 U.S.C. § 1681s-2.

29.

Truist is reporting inaccurate credit information concerning Plaintiff to one or more credit bureaus as defined by 15 U.S.C. § 1681a of the FCRA.

30.

Plaintiff notified Defendants directly of a dispute on the account’s completeness and accuracy, as reported.

31.

Truist failed to complete an investigation of Plaintiff’s written dispute and provide the results of an investigation to Plaintiff and the credit bureaus within the 30-day statutory period as required by 15 U.S.C. § 1681s-2(b).

32.

Truist failed to promptly modify the inaccurate information on Plaintiff's credit report in violation of 15 U.S.C. § 1681s-2(b).

33.

Equifax failed to delete information found to be inaccurate, reinserted the information without following the FCRA, or failed to properly investigate Plaintiff's disputes.

34.

Equifax failed to maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit report, concerning the account in question, violating 15 U.S.C. § 1681e(b).

35.

As a result of the above violations of the FCRA, Plaintiff suffered actual damages in one or more of the following categories: lower credit score, denial of credit, embarrassment and emotional distress caused by the inability to obtain financing for everyday expenses, rejection of credit card application, higher interest rates on loan offers that would otherwise be affordable, and other damages that may be ascertained at a later date.

36.

As a result of the above violations of the FCRA, Defendants are liable to Plaintiff for actual damages, punitive damages, statutory damages, attorney's fees and costs.

WHEREFORE, Plaintiff demands that judgment be entered against Defendants as follows:

- (a) That judgment be entered against Defendants for actual damages pursuant to 15 U.S.C. § 1681n or alternatively, 15 U.S.C. § 1681o;
- (b) That judgment be entered against Defendants for statutory damages pursuant to 15 U.S.C. § 1681n;
- (c) That judgment be entered against Defendants for punitive damages pursuant to 15 U.S.C. § 1681n;
- (d) That the Court award costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1681n or alternatively, 15 U.S.C. § 1681o; and
- (e) That the Court grant such other and further relief as may be just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action of all issues so triable.

Respectfully Submitted,

**Law Offices of Robert S. Gitmeid &
Associates, PLLC**

/s/ LaTonya Sims

LaTonya Sims, Esq.

Georgia Bar No. 711135

LaTonya.S@gitmeidlawn.com

100 Galleria Parkway, Suite 1570

Atlanta, Georgia 30339

Tel: (770) 874-2445

Fax: (770) 299-2111

Counsel for Plaintiff Donna Simms

EXHIBIT A

ACH Confirmation

Item Information

Originator ABA: [REDACTED]
Receiver ABA: [REDACTED]
Individual Name: Donna Simms
Individual ID No: [REDACTED]
Trace Number: [REDACTED]

Account Number: [REDACTED] 5453
Transaction Code: [REDACTED]
Amount: \$2,309.64
Description: [REDACTED]

Batch Information

Company Name: TRUIST RCVR
Service Class: [REDACTED]
SEC Code: [REDACTED]
Company Entry Description: [REDACTED]

Batch Number: [REDACTED]
Company ID: [REDACTED]
Effective Entry Date: 7/17/2023
Settlement Date: [REDACTED]



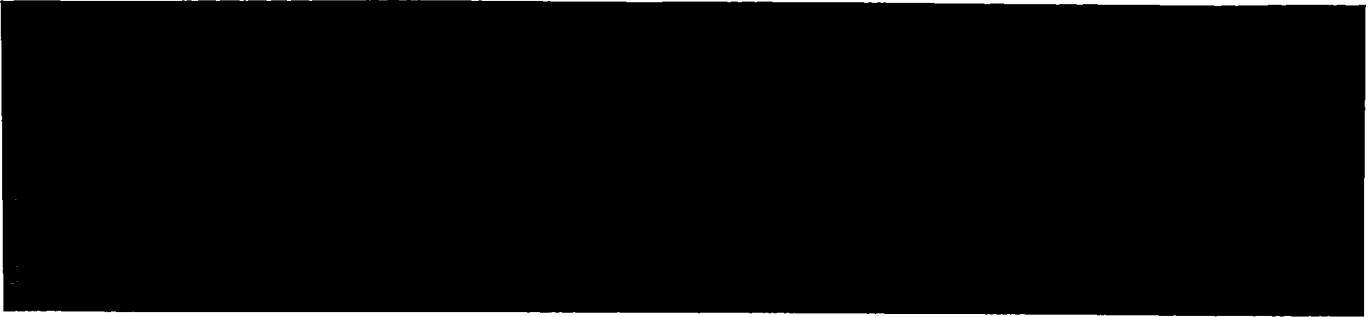
EXHIBIT B

Credit report

Provided by **EQUIFAX**

Your credit is in fair shape

Report date: Jan 31, 2024



Personal info

Reported names

Donna Simms

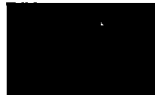
Addresses

Date reported

DOB

SSN

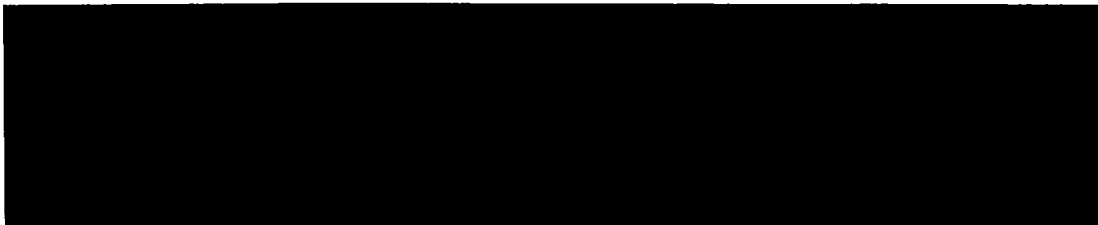
Employment info



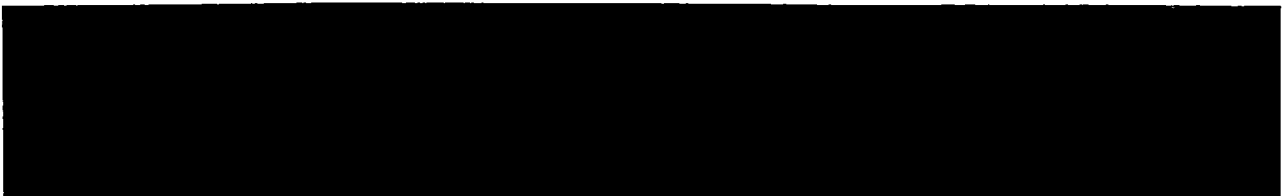
Account summary

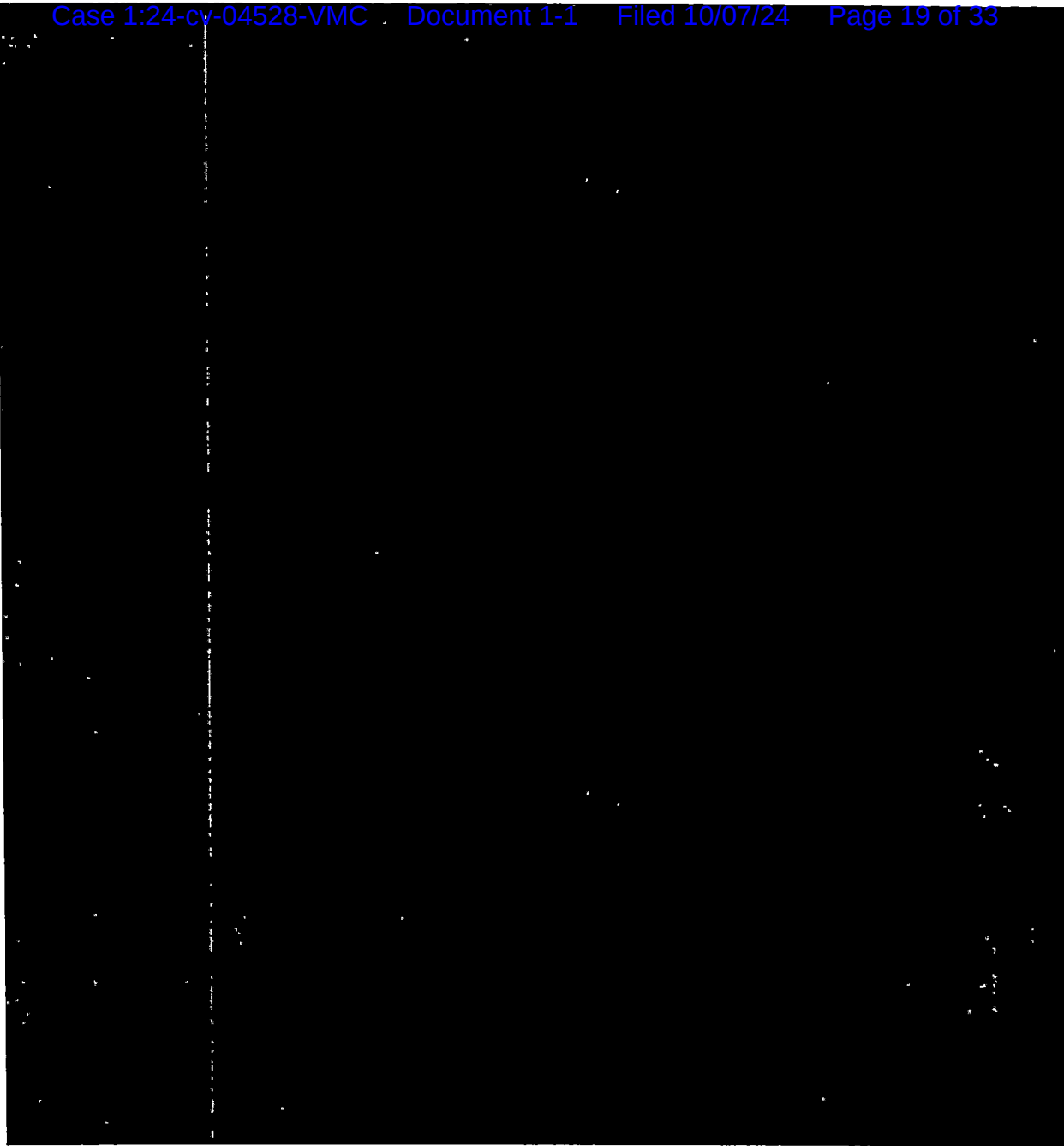


Accounts

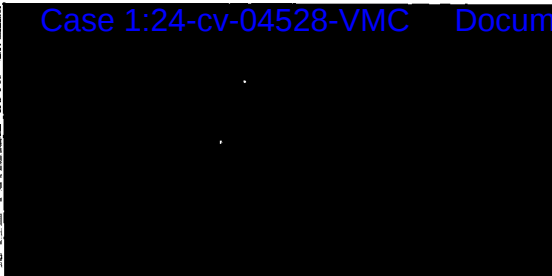


Credit cards





TRUIST BANK Reported: Jul 30, 2023		\$4,619.00 Closed																						
Overview <div style="background-color: black; height: 15px; width: 100%; margin-bottom: 5px;"></div> <div style="background-color: black; height: 15px; width: 100%; margin-bottom: 5px;"></div> Balance: \$4,619.00	Account details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 5px;">Account Number</td> <td style="padding: 2px 5px;">[REDACTED] 7569</td> </tr> <tr> <td style="padding: 2px 5px;">Account Status</td> <td style="padding: 2px 5px;">Charge Off</td> </tr> <tr> <td style="padding: 2px 5px;">Open Date</td> <td style="padding: 2px 5px;">[REDACTED]</td> </tr> <tr> <td style="padding: 2px 5px;">Last Activity</td> <td style="padding: 2px 5px;">[REDACTED]</td> </tr> <tr> <td style="padding: 2px 5px;">Type</td> <td style="padding: 2px 5px;">Credit Card</td> </tr> <tr> <td style="padding: 2px 5px;">Responsibility</td> <td style="padding: 2px 5px;">Individual</td> </tr> <tr> <td style="padding: 2px 5px;">Remarks</td> <td style="padding: 2px 5px;">Charged Off Account, Account Closed By Credit Grantor</td> </tr> <tr> <td style="padding: 2px 5px;">Times 30/60/90 Days Late</td> <td style="padding: 2px 5px;">[REDACTED]</td> </tr> <tr> <td style="padding: 2px 5px;">Months Reviewed</td> <td style="padding: 2px 5px;">[REDACTED]</td> </tr> <tr> <td style="padding: 2px 5px;">Term Source Type</td> <td style="padding: 2px 5px;"></td> </tr> <tr> <td style="padding: 2px 5px;">High Balance</td> <td style="padding: 2px 5px;"></td> </tr> </table>		Account Number	[REDACTED] 7569	Account Status	Charge Off	Open Date	[REDACTED]	Last Activity	[REDACTED]	Type	Credit Card	Responsibility	Individual	Remarks	Charged Off Account, Account Closed By Credit Grantor	Times 30/60/90 Days Late	[REDACTED]	Months Reviewed	[REDACTED]	Term Source Type		High Balance	
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Months Reviewed	[REDACTED]																							
Term Source Type																								
High Balance																								
Payment history <div style="background-color: black; height: 150px; width: 100%;"></div>																								



Creditor Information

TRUIST BANK
150 S STRATFORD RD
WINSTON SALEM, NC 271044227
(336) 733-2000

[REDACTED]

[REDACTED]

Amount Past Due

\$4,619.00

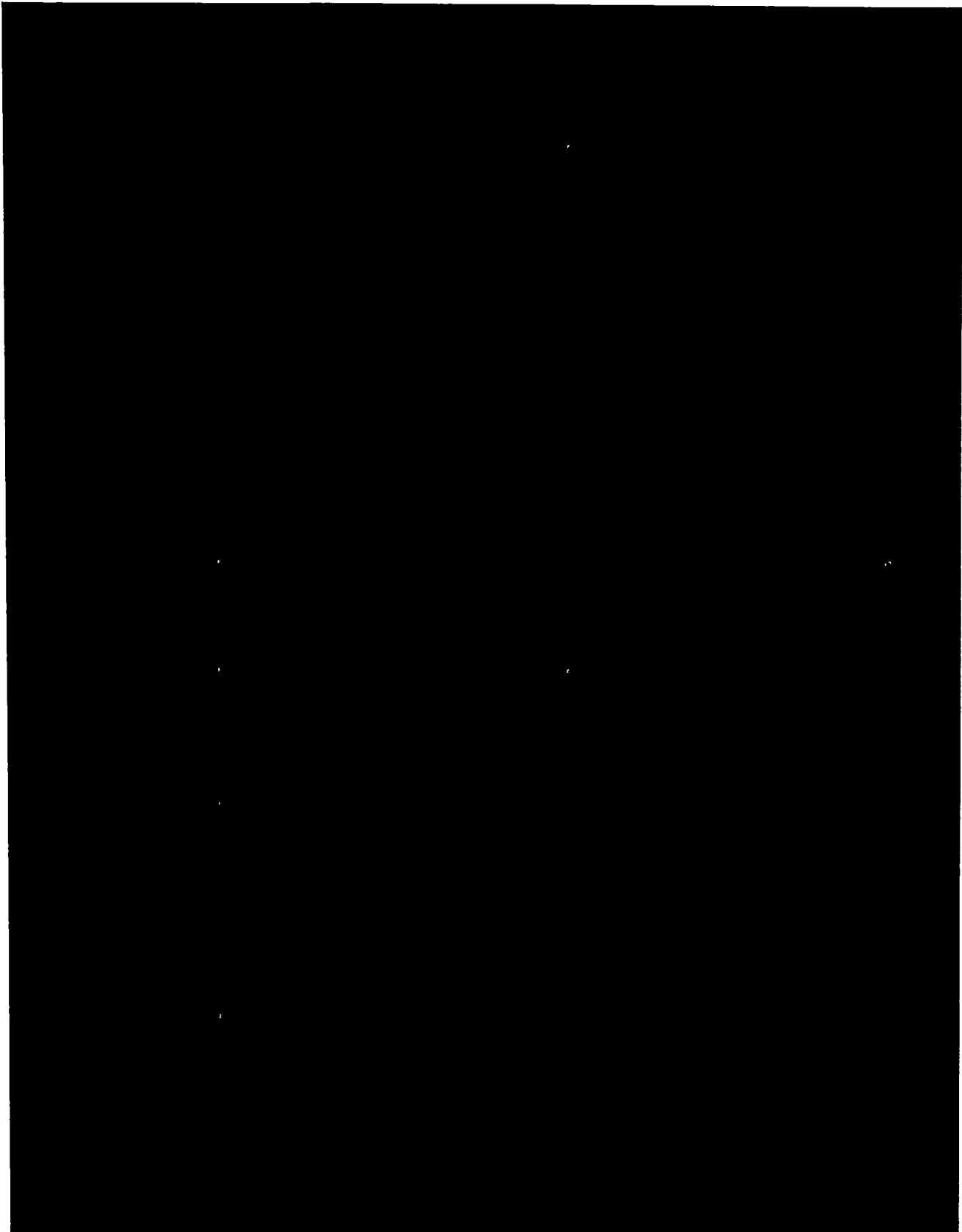


EXHIBIT C



The Law Offices of
ROBERT S. GITMEID & ASSOC., PLLC

May 6, 2024

VIA CERTIFIED MAIL

Transunion Consumer Solutions
P.O. Box 2000
Chester, PA 19016

Equifax Information Services, LLC
P.O. Box 740256
Atlanta, GA 30374-0256

Experian
P.O. Box 4500
Allen, TX 75013

Re: Donna Simms
Creditor: Truist Bank
Account No.: Ending in 7569
SSN: Ending in [REDACTED]
Address: [REDACTED]

Dear Sir and/or Madam,

Please be advised that this office was retained to represent Donna Simms with respect to her claims for violations under the Fair Credit Reporting Act, 15. U.S.C. § 1681, et seq. (the "FCRA") and other claims related to unlawful credit reporting practices.

On or about July 17, 2023, Ms. Simms and Truist Bank ("Truist") entered into a settlement agreement for the above-referenced account. A recording of the settlement agreement is available upon request. Pursuant to the terms of the settlement, Ms. Simms was required to make a lump sum payment totaling \$2,309.64 to settle and close her Truist account. Ms. Simms, via his debt settlement representative, timely made the requisite settlement payment. Proof of this payment is attached herein for your review.

However, many months later, Ms. Simms' account continues to be negatively reported. In particular, on a requested credit report dated January 31, 2024, Mr. Simms' account was reported with a status of "CHARGE OFF", a balance of \$4,619.00 and a past due balance of \$4,619.00. The relevant portion of Ms. Simms' credit report is attached herein for your review. The trade line was inaccurately reported. As evidenced by the enclosed documents, the account was settled in full and has a balance of \$0.00.

Please take notice that this dispute is made pursuant to 15 U.S.C. § 1681i under the FCRA. Therefore, if this inaccuracy is not corrected within thirty (30) days, we will pursue further legal process on behalf of our client.

Thank you for your prompt attention to this important matter.

Very truly yours,

Melissa Rodriguez
Paralegal
The Law Offices of Robert S. Gitmeid
& Associates, PLLC
Melissa.R@gitmeidlaw.com
(866) 249-1137

ACH Confirmation

Item Information

Originator ABA: [REDACTED]
Receiver ABA: [REDACTED]
Individual Name: Donna Simms
Individual ID No: [REDACTED]
Trace Number: [REDACTED]

Account Number: [REDACTED] 5453
Transaction Code: [REDACTED]
Amount: \$2,309.64
Description: [REDACTED]

Batch Information

Company Name: TRUIST RCVR
Service Class: [REDACTED]
SEC Code: [REDACTED]
Company Entry Description: [REDACTED]

Batch Number: [REDACTED]
Company ID: [REDACTED]
Effective Entry Date: 7/17/2023
Settlement Date: [REDACTED]



Credit report

Your credit is in fair shape

Provided by **EQUIFAX**

Report date: Jan 31, 2024

Personal info

Reported names

Donna Simms

Addresses

Date reported

DOB

SSN

Employment info

Account summary

Accounts

Credit cards

TRUIST BANK Reported: Jul 30, 2023		\$4,619.00 Closed																						
Overview <div style="background-color: black; height: 15px; width: 100%; margin-bottom: 5px;"></div> <div style="background-color: black; height: 15px; width: 100%; margin-bottom: 5px;"></div> Balance: \$4,619.00	Account details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Account Number</td> <td style="width: 30%;">7569</td> </tr> <tr> <td>Account Status</td> <td>Charge Off</td> </tr> <tr> <td>Open Date</td> <td></td> </tr> <tr> <td>Last Activity</td> <td></td> </tr> <tr> <td>Type</td> <td>Credit Card</td> </tr> <tr> <td>Responsibility</td> <td>Individual</td> </tr> <tr> <td>Remarks</td> <td>Charged Off Account, Account Closed By Credit Grantor</td> </tr> <tr> <td>Times 30/60/90 Days Late</td> <td></td> </tr> <tr> <td>Months Reviewed</td> <td></td> </tr> <tr> <td>Term Source Type</td> <td></td> </tr> <tr> <td>High Balance</td> <td></td> </tr> </table>		Account Number	7569	Account Status	Charge Off	Open Date		Last Activity		Type	Credit Card	Responsibility	Individual	Remarks	Charged Off Account, Account Closed By Credit Grantor	Times 30/60/90 Days Late		Months Reviewed		Term Source Type		High Balance	
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Payment history <div style="background-color: black; height: 150px; width: 100%;"></div>																								

Creditor information

TRUIST BANK
150 S STRATFORD RD
WINSTON SALEM, NC 271044227
(336) 733-2000

(

Amount Past Due

\$4,619.00

EXHIBIT D

Credit report

TransUnion Equifax Experian All bureaus

Bureau

TransUnion

EQUIFAX

experian

Report date

Jun 17, 2024

Jun 17, 2024

Jun 17, 2024

Personal info

Reported names

Donna L Simms

Donna Simms
Simms Donna
Donna L Proudfoot

Donna Simms
Donna Proudfoot
Simms Donna

DOB

SSN

Employment info

Addresses

Account summary

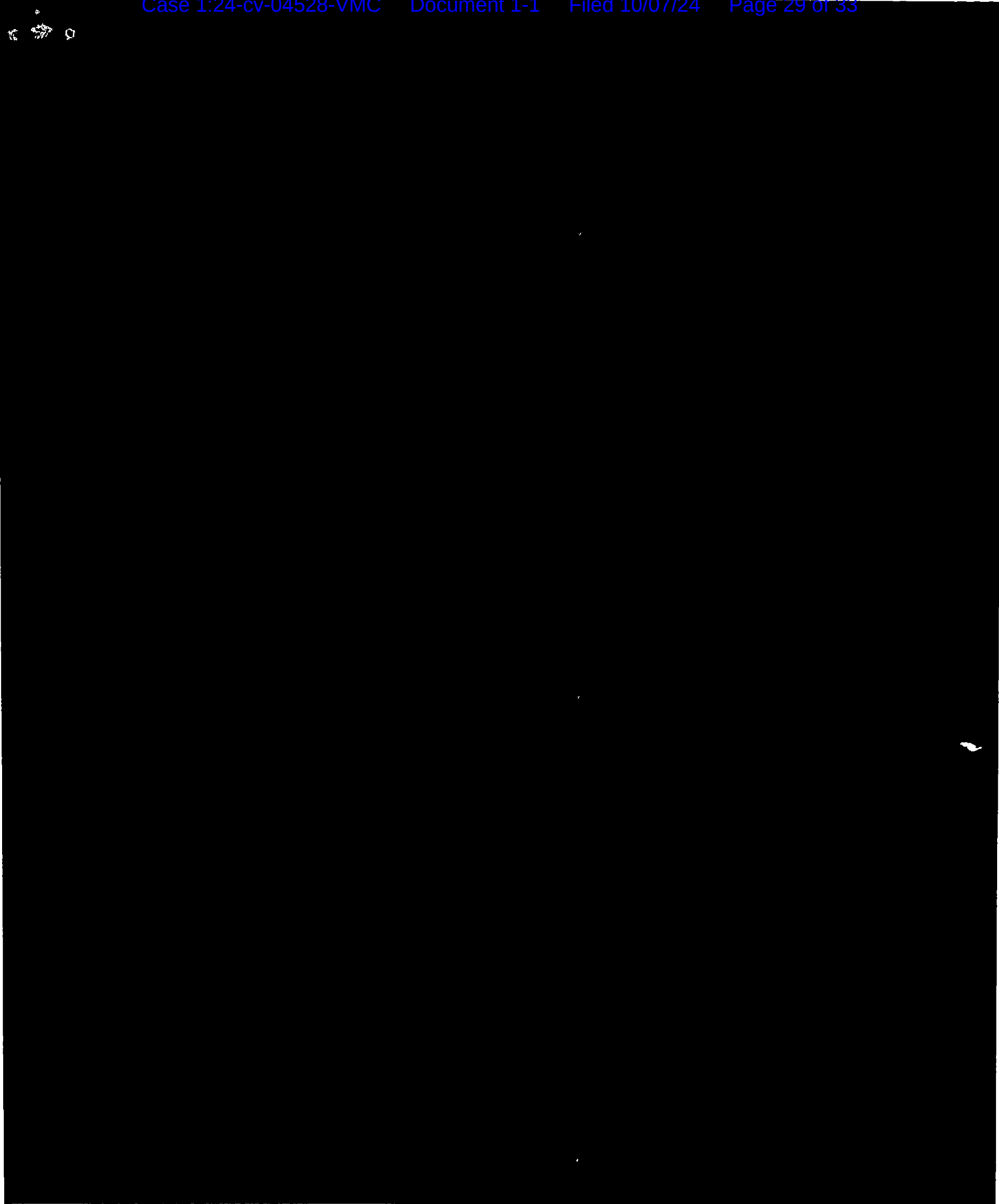
Bureau

TransUnion

EQUIFAX

experian

Accounts



Collections

It's important that you try your best not to fall behind on payments so your account doesn't get passed on to a collections agency. This usually drops your credit score significantly.

Account details

Account Number [REDACTED] XXXX

Date Opened Apr 15, 2016

Last Activity Jun 1, 2023

Original Creditor

Monthly Payment \$0.00

Term Source Type

Current Rating Collection/Charge-off

Status Charge Off

Type Individual

High Balance

Unpaid Balance \$4,619.00

Highest Adverse Rating Collection/Charge-off

Most Recent Adverse Rating No Data Available

Comments Charged Off Account

Account details

You've Made 88% Of Payments For This Account On Time.

	Jan	Feb	Mar	Apr	May	Jun
2023						
	Jul	Aug	Sep	Oct	Nov	Dec

	Jan	Feb	Mar	Apr	May	Jun
2022						
	Jul	Aug	Sep	Oct	Nov	Dec

	Jan	Feb	Mar	Apr	May	Jun
2021						
	Jul	Aug	Sep	Oct	Nov	Dec

	Jan	Feb	Mar	Apr	May	Jun
2020						
	Jul	Aug	Sep	Oct	Nov	Dec

	Jan	Feb	Mar	Apr	May	Jun
2019						
	Jul	Aug	Sep	Oct	Nov	Dec

Paid on time

30 days past due

60 days past due

90 days past due

120 days past due

150 days past due

Bankruptcy

Repossession or foreclosure

Collection or charge off

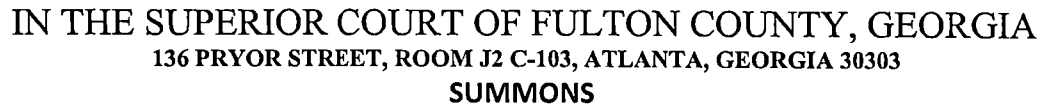
Voluntary surrender

No data available

Collection agency

TRUIST BANK
150 S STRATFORD RD

Date: 8/29/2024 6:21 PM
Che Alexander, Clerk



24CV011058

) No.:

vs.

Defendant

Instructions: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum is used



IN THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA
136 PRYOR STREET, ROOM J2 C-103, ATLANTA, GEORGIA 30303
SUMMONS

<u>DONNA SIMMS</u>) Case	24CV011058
) No.:	_____
)	
)	
Plaintiff,)	
)	
vs.)	
<u>TRUIST BANK</u>)	
)	
<u>EQUIFAX INFORMATION SERVICES, LLC</u>)	
Defendant)	
)	
)	
)	

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to file electronically with the Clerk of said Court at <https://efilega.tylertech.cloud/OfsEfsp/ui/landing> (unless you are exempt from filing electronically) and serve upon plaintiff's attorney, whose name and address is:

LaTonya Sims, Esq.
Law Offices of Robert S. Gitmeid & Assoc., PLLC
30 Wall Street, 8th Floor #741
New York, NY 10005

An answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service; unless proof of service of this complaint is not filed within five (5) business days of such service. Then time to answer shall not commence until such proof of service has been filed. **IF YOU FAIL TO DO SO, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

This 29th day of August, 20 24

Honorable Ché Alexander, Clerk of
Superior Court

By Tracey Vaughn
Deputy Clerk

To defendant upon whom this petition is served:

This copy of complaint and summons was served upon you _____, 20____

Deputy Sherriff

AFFIDAVIT OF SERVICE

Case: 24CV011058	Court: In the State of Georgia Superior Court	County: Fulton, GA	Job: 11732683
Plaintiff / Petitioner: Donna Simms		Defendant / Respondent: Truist Bank, Equifax Information Services LLC	
To be served upon: Truist Bank			

I, Watasha Willis, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action. Below is the service information for the documents served:

Recipient Name / Address: Heather Hughes, Authorized Agent, Corporation Service Company: 2626 Glenwood Avenue Suite 550, Raleigh, NC 27608

Manner of Service: Authorized, Sep 5, 2024, 8:34 am EDT

Documents: Civil and Domestic Relations Case Filing Information Form, GA Summons, and Complaint with Exhibits A-D

Additional Service Information:

Age: 50; Ethnicity: Caucasian; Gender: Female; Weight: 250 lbs; Height: 5'6"; Hair: Brown

Subscribed and sworn to before me by the affiant who is personally known to me.

W. Willis
Watasha Willis
9/5/24
Date

Olivia J Dixon
Notary Public
9/5/24
Date
June 30, 2029
Commission Expires

Diamond Eye Legal, LLC
PO BOX 121
Clayton, NC 27528
919-886-5001

